

Applicant : Kenneth E. Feuerman  
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Attorney's Docket No.: 07844-612001 / P565

### REMARKS

Claims 1, 8-22, 24 and 31-45 are pending. Claims 13-21 and 36-44 are withdrawn from consideration. Claims 2-7, 23, 25-30 and 46 are cancelled. Claims 1, 8, 11, 12, 22, 24, 31, 34, 35 and 45 are amended. No new matter is added. Claims 1, 8-22, 24 and 31-45 stand rejected under 35 U.S.C. 103(a). The applicant requests reconsideration in view of the amendments and remarks herein.

#### Interview Summary

On August 24, 2006, the applicant's representative, Fish & Richardson PC represented by Brenda Leeds Binder, conducted a telephonic interview with Examiner Sain. The Johnson and Balabanovic references were discussed in the context of claims 5 and 8. The applicant agreed to file an amendment to the claims. No other agreement was reached.

#### Claims 1 and 8-11

Claim 1 recites a method for generating an audio-based form. The method includes encoding zoning and structural information in one or more audio signals and incorporating the one or more audio signals into the form.

The Examiner rejected the cancelled claim 5, which included a limitation of encoding the zoning and structural information into an audio signal, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,060,980 ("Johnson") in view of U.S. Patent No. 6,624,826 ("Balabanovic"). Since claim 1 has been amended to include a limitation similar to the previous limitation of claim 5, the applicant addresses the Examiner's rejections based on Johnson in view of Balabanovic herein.

Johnson is directed to a form carrying an encoded description of fields. The form is a visual-based form, either paper-based including a region [*i.e.*, region 26 in FIG. 1] with the encoded description or an electronic form [Col. 7, lines 20-30 and 59-65]. There is no disclosure in Johnson of an audio-based form, nor of including encoded zoning and structural information in one or more audio signals included in an audio-based form. In terms of an audio-based form, the Examiner relies on Balabanovic. However, Balabanovic also fails to disclose including encoded zoning and structural information in one or more audio signals included in an audio-

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based form. Balabanovic describes a visual representation of an audio document. For example, a form can be visually displayed on a computer monitor and a field can be filled in by a user with an audio recording.

The applicant respectfully submits the Examiner has failed to show a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" [MPEP, §2143]. Second, to establish a case of *prima facie* obviousness, "there must be a reasonable expectation of success". Third, "the prior art reference (or references when combined) must teach or suggest all the claim limitations" [MPEP, §2143].

Even in combination, Johnson and Balabanovic fail to teach or suggest all the claim limitations of claim 1. Neither reference teaches or suggests encoding zoning and structural information for an audio-based form in one or more audio signals incorporated into the form. Accordingly, claim 1 is allowable over Johnson in view of Balabanovic. Claims 8-11 depend from claim 1 and are therefore allowable for at least the same reason.

#### Claim 12

Claim 12 recites a method for creating an audio-based form. A form definition defining the audio-based form is generated and including zoning information identifying a temporal location of one or more data fields and structural information about the one or more data fields. The zoning and structural information is encoded into one or more audio signals incorporated into the form. As discussed above in reference to claim 1, neither Johnson nor Balabanovic teach or suggest encoding zoning and structural information for an audio-based form in one or more audio signals incorporated into the form. Accordingly, claim 12 is allowable over Johnson in view of Balabanovic.

#### Claim 22

Claim 22 recites a method for creating an audio-based form. A form definition defining the audio-based form is generated and including zoning information identifying a location of one or more data fields. The zoning information is encoded into one or more audio signals

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incorporated into the form. As discussed above in reference to claim 1, neither Johnson nor Balabanovic teach or suggest encoding zoning information for an audio-based form in one or more audio signals incorporated into the form. Accordingly, claim 22 is allowable over Johnson in view of Balabanovic.

Claim 24 and 31-34

Claim 24 recites a computer program product for generating an audio-based form. Zoning and structural information is encoded into one or more audio signals incorporated into the form. As discussed above in reference to claim 1, neither Johnson nor Balabanovic teach or suggest encoding zoning and structural information for an audio-based form in one or more audio signals incorporated into the form. Accordingly, claim 24 is allowable over Johnson in view of Balabanovic. Claims 31-34 depend from claim 24 and are therefore allowable for at least the same reasons.

Claim 35

Claim 35 recites a computer program product for creating an audio-based form. A form definition defining the audio-based form is generated and including zoning information identifying a temporal location of one or more data fields and structural information about the one or more data fields. The zoning and structural information is encoded into one or more audio signals incorporated into the form. As discussed above in reference to claim 1, neither Johnson nor Balabanovic teach or suggest encoding zoning and structural information for an audio-based form in one or more audio signals incorporated into the form. Accordingly, claim 35 is allowable over Johnson in view of Balabanovic.

Claim 45

Claim 45 recites a computer program product for creating an audio-based form. A form definition defining the audio-based form is generated and includes zoning information identifying a location of one or more data fields. The zoning information is encoded into one or more audio signals incorporated into the form. As discussed above in reference to claim 1, neither Johnson nor Balabanovic teach or suggest encoding zoning information for an audio-

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based form in one or more audio signals incorporated into the form. Accordingly, claim 45 is allowable over Johnson in view of Balabanovic.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Please charge deposit account 06-1050 \$120.00 for the Petition for Extension of Time fee and any other charges or credits.

Respectfully submitted,

Date: Aug 31/06

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